

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

_____	)	<b>Civ. No. 09-CIV-1951 (DLC)</b>
	)	ECF CASE
<b>In re General Electric Co. Sec. Litig.</b>	)	
	)	
_____	)	

**DECLARATION OF JOSEPH J. TABACCO, JR. IN SUPPORT OF  
LEAD PLAINTIFF'S MOTION FOR APPEAL BOND**

### LIST OF EXHIBITS

1. Transcript of the September 6, 2013 Fairness Hearing in *In re General Electric Co. Sec. Litig.*, No. 09-Civ-1951 (DLC).
2. Order Granting Lead Plaintiff's Motion for Appeal Bond in *In re Am. Int'l Grp., Inc. Sec. Litig.*, No. 04 Civ. 8141 (DAB) ("*AIG* Action"), ECF No. 589 (S.D.N.Y. Apr. 7, 2011).
3. Order to Post Appeal Bond in the *AIG* Action, ECF Nos. 591 (S.D.N.Y. Apr. 19, 2011).
4. Bond Order in *In re Nutella Mktg. & Sales Practices Litig.*, No. 3:11-cv-01086-FLW-DEA ("*Nutella* Action"), ECF No. 122 (D.N.J. Nov. 20, 2012).
5. Transcript of the May 8, 2013 Preliminary Approval Hearing in *In re General Electric Co. Sec. Litig.*, No. 09-Civ-1951 (DLC).
6. Objection by Clark Hampe in the *Nutella* Action, ECF No. 79 (D.N.J. June 8, 2012).
7. Notice of Appeal by Clark Hampe in the *Nutella* Action, ECF No. 107 (D.N.J. Aug. 30, 2012).
8. Objection by Clark Hampe in *Kardonick v. JP Morgan Chase & Co.*, No. 10-cv-23235-WMH ("*Kardonick* Action"), ECF No. 341 (S.D. Fla. Aug. 19, 2011).
9. Notice of Appeal by Clark Hampe in the *Kardonick* Action, ECF No. 401 (S.D. Fla. Oct. 17, 2011).
10. Objection by Clark Hampe in *McDonough v. Toys "R" Us, Inc.*, No. 06-cv-242-AB ("*McDonough* Action"), ECF No. 752 (E.D. Pa. June 6, 2011).
11. Notice of Appeal by Clark Hampe in the *McDonough* Action, ECF No. 796 (E.D. Pa. Jan. 18, 2012) (without attachments).
12. Admission status for Clark Carl Hampe Jr. from the State Bar of Texas.
13. Entry of Appearance filed on October 3, 2012 by Christopher A. Bandas of the Bandas Law Firm, P.C. on behalf of Clark Hampe representing Mr. Hampe in his appeal in the *Nutella* Action.
14. Appearance of Counsel Form filed on January 18, 2012 by Christopher A. Bandas of the Bandas Law Firm, P.C. on behalf of Clark Hampe representing Mr. Hampe in his appeal in the *Kardonick* Action.
15. Entry of Appearance of Counsel Form filed on February 2, 2012 by Christopher A. Bandas of the Bandas Law Firm, P.C. on behalf of Clark Hampe representing Mr. Hampe in his appeal in the *McDonough* Action.

I, Joseph J. Tabacco, Jr., declare as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner of the law firm of Berman DeValerio. Berman DeValerio is the Court-appointed lead counsel (“Lead Counsel”) for the Court-appointed Lead Plaintiff, the State Universities Retirement System of Illinois (“Lead Plaintiff”), in this consolidated securities class action (the “Action”).<sup>1</sup>

2. I submit this Declaration in support of Lead Plaintiff’s Motion for Appeal Bond requesting an order that the appellant Clark Hampe (“Hampe”) post a bond in connection with his appeal from this Court’s orders approving the Settlement and Plan of Allocation, and awarding attorneys’ fees. ECF Nos. 221-23.

3. Lead Plaintiff estimates that Rule 39(e) appeal costs in this case will be approximately \$54,700. This includes: (a) appellate costs of (i) \$1,200 copying costs for the brief and the required Special Appendix and (ii) \$4,500.00 copying costs for the appendix; and (b) administrative costs of \$49,000, which are described in detail in the accompanying Declaration of Eric J. Miller in Support of Lead Plaintiff’s Motion For Appeal Bond, filed herewith.

(a) The \$1,200 copying costs for the brief and the addenda are calculated as follows: Lead Plaintiff estimates their brief will be approximately 60 pages. *See* Fed. R. App. P. 32(a)(4), 32(a)(5), 32(a)(7)(B). In addition, Lead Plaintiff estimates it will file a Special Appendix. Second Circuit Local Rule (“L.R.”) 32.1(c); *see also* Fed. R. App. P. 28(f). Based on a brief and Special Appendix of approximately 1,000 pages, the total copy cost will be approximately: \$1,200.00 (1,000 pages x 6 copies for submission to the Court x \$0.20 per page). *See* L.R. 31.1, 39.1.

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<sup>1</sup> All capitalized terms not otherwise defined herein have the same meaning as set forth in the Stipulation and Agreement of Settlement, dated April 29, 2013 (“Stipulation”) (ECF No. 194-1).

(b) The \$4,500.00 copying costs for the appendix are calculated as follows:

Lead Plaintiff estimates the Appendix will be approximately 7,500 pages due to the broad nature of Mr. Hampe's objections. Based on a total of 7,500 pages, the total copy cost will be approximately: \$4,500.00 (7,500 pages x 3 copies for submission to the Court x \$0.20 per page). *See* L.R. 30.1, 39.1.

4. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the Fairness Hearing taken herein on September 6, 2013.

5. Attached hereto as Exhibit 2 is a true and correct copy of the Order granting Lead Plaintiff's Motion for Appeal Bond filed on April 7, 2011 in *In re Am. Int'l Grp., Inc. Sec. Litig.*, No. 04 Civ. 8141 (DAB) (S.D.N.Y.) (the "*AIG* Action"), ECF No. 589.

6. Attached hereto as Exhibit 3 is a true and correct copy the Order to Post Appeal Bond filed on April 19, 2011 in the *AIG* Action, ECF No. 591.

7. Attached hereto as Exhibit 4 is a true and correct copy of a Letter Order imposing a bond on the objectors filed on November 20, 2012 in *In re Nutella Mktg. & Sales Practices Litig.*, No. 3:11-cv-01086-FLW-DEA (D.N.J.) (the "*Nutella* Action"), ECF No. 122.

8. Attached hereto as Exhibit 5 is a true and correct copy of the transcript of the Preliminary Approval Hearing taken herein on May 8, 2013.

9. Attached hereto as Exhibit 6 is a true and correct copy of the objection filed by Clark Hampe on June 8, 2012 in the *Nutella* Action, ECF No. 79.

10. Attached hereto as Exhibit 7 is a true and correct copy of the Notice of Appeal filed by Clark Hampe on August 30, 2012 in the *Nutella* Action, ECF No. 107.

11. Attached hereto as Exhibit 8 is a true and correct copy of the objection filed by Clark Hampe on August 19, 2011 in *Kardonick v. JP Morgan Chase & Co.*, No. 10-cv-23235-WMH (S.D. Fla.) (the “*Kardonick* Action”), ECF No. 341.

12. Attached hereto as Exhibit 9 is a true and correct copy of the Notice of Appeal filed by Clark Hampe on October 17, 2011 in the *Kardonick* Action, ECF No. 401.

13. Attached hereto as Exhibit 10 is a true and correct copy of the objection filed by Clark Hampe on June 6, 2011 in *McDonough v. Toys “R” Us, Inc.*, No. 06-cv-242-AB (E.D. Pa.) (the “*McDonough* Action”), ECF No. 752.

14. Attached hereto as Exhibit 11 is a true and correct copy of the Notice of Appeal filed by Clark Hampe on January 18, 2012 in the *McDonough* Action, ECF No. 796, without attachments.

15. Attached hereto as Exhibit 12 is a true and correct copy of the profile for Clark Carl Hampe Jr., including Current Member Status, obtained from the State Bar of Texas, available at [http://www.texasbar.com/AM/Template.cfm?Section=Find\\_A\\_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=299012](http://www.texasbar.com/AM/Template.cfm?Section=Find_A_Lawyer&template=/Customsource/MemberDirectory/MemberDirectoryDetail.cfm&ContactID=299012).

16. Attached hereto as Exhibit 13 is a true and correct copy of the Entry of Appearance filed on October 3, 2012 by Christopher A. Bandas of the Bandas Law Firm, P.C. on behalf of Clark Hampe representing Mr. Hampe in his appeal in the *Nutella* Action to the United States Court of Appeals for the Third Circuit (Case No. 12-3458).

17. Attached hereto as Exhibit 14 is a true and correct copy of the Appearance of Counsel Form filed on January 18, 2012 by Christopher A. Bandas of the Bandas Law Firm, P.C. on behalf of Clark Hampe representing Mr. Hampe in his appeal in the *Kardonick* Action to the

United States Court of Appeals for the Eleventh Circuit (Case No. 11-14898, later coordinated under No. 11-14538-AA).

18. Attached hereto as Exhibit 15 is a true and correct copy of the Entry of Appearance of Counsel Form filed on February 2, 2012 by Christopher A. Bandas of the Bandas Law Firm, P.C. on behalf of Clark Hampe representing Mr. Hampe in his appeal in the *McDonough* Action to the United States Court of Appeals for the Third Circuit (Case No. 12-1166, consolidated under *In re Baby Foods Litigation*, No. 12-1165).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 20, 2013 in San Francisco, California.

/s/ Joseph J. Tabacco, Jr.

Joseph J. Tabacco, Jr.